

COMMON COUNCIL OF THE CITY OF AUSTIN, INDIANA

ORDINANCE NO. 2022- 04

**AN ORDINANCE ESTABLISHING POLICY AND
PROCEDURE FOR SEWER BILLING ADJUSTMENTS**

WHEREAS, the City of Austin, Indiana owns and operates a sewage works utility.

WHEREAS, the Board of Public Works and Safety for the City of Austin, Indiana (the “BOW”) is the governing board of the City’s sewage works and establishes and administers billing and collection policies for the utility in conjunction with the Common Council of the City (the “Council”).

WHEREAS, the BOW is occasionally asked to forgive charges billed to a customer of the City’s sewage works and water utility because of leaks and unintended water usage.

WHEREAS, Indiana sewage works may, in their discretion, adjust sewer bills and forgive charges billed.

WHEREAS, the Council has concluded that formal policies applicable to requests for sewer bill adjustments are needed to provide order and consistent treatment of customers who request the forgiveness of sewer charges.

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON
COUNCIL OF THE CITY OF AUSTIN, SCOTT COUNTY, INDIANA, THAT:**

SECTION 1: Sewer usage charges are based on water usage. Metered water lost because of a leak or malfunction of facilities or equipment supplying water to a customer’s premises will cause the corresponding sewer bill to be excessive. In some cases, water lost because of a leak is not discharged into the City’s Sewage Works. A customer may request a sewer bill adjustment, for a single billing cycle, by completing and submitting to the City’s Clerk-Treasurer, on forms

prepared by the City, a request for adjustment, which shall include a detailed explanation of why, when, and how the water was lost and the actions taken to repair the problem. The City's Clerk-Treasurer, in his or her discretion, may adjust the sewer bill, for a single billing cycle, to an amount equal to the average of the sewer bills for the same property for the two (2) billing cycles immediately preceding the billing cycle for which the adjustment is requested upon verifying that that excess water usage during that billing cycle was not discharged into the City's Sewage Works and that the condition causing the water loss or unintended usage has been fully repaired. Any adjustment request must be submitted within sixty (60) days of the end of the billing cycle in which a customer is seeking an adjustment. The City's Clerk-Treasurer shall report to the BOW monthly of all adjustments granted. The City's Clerk-Treasurer may grant up to two (2) adjustments, per calendar year, for any single property.

Except for sewer bill adjustments granted by the City's Clerk-Treasurer, in compliance with the procedures and conditions as set forth above, all other requests for sewer bill adjustments must be submitted to and decided by the BOW, in a public meeting, at which the customer requesting the adjustment must be present.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

Passed and adopted this 8 day of March, 2022.

Common Council City of Austin, Indiana

Roger Hawkins
Roger Hawkins, Presiding Officer

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, on March 8, 2022 at 6:27 p.m.

Chris Fugate
Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), on March 8, 2022 at 6:27 p.m.

Roger Hawkins
Roger Hawkins, Mayor

Attest:

Chris Fugate
Chris Fugate, Clerk-Treasurer

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